

Florence, New Jersey 08518-2323
November 19, 2007

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairperson Hamilton-Wood called the meeting to order at 7:32 p.m. followed by a salute to the flag.

Chairperson Hamilton-Wood then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Gene DeAngelis	Sean P. Ryan
Councilman John Fratinardo	Mildred Hamilton-Wood
Mayor Michael J. Muchowski	
Dennis A. O'Hara	

ABSENT: John T. Smith
Wayne Morris

ALSO PRESENT: Solicitor Nancy Abbott
Engineer Dante Guzzi
Planner Carl Hintz

Councilman Fratinardo will act as secretary in the absence of Secretary John T. Smith.

RESOLUTIONS

Resolution PB-2007-37
Granting of minor site plan approval to Peregrine Partners, LP, for a retail fence sales business on Block 159, Lot 4.02, located in an HC Highway Commercial Zoning District.

Motion of DeAngelis, seconded by Ryan to approve Resolution PB-2007-37.

Upon roll call the Board voted as follows:

YEAS:	DeAngelis, Fratinardo, Muchowski, O'Hara, Ryan
NOES:	None
ABSENT:	Smith, Morris
INELIGIBLE:	Hamilton-Wood

PB-2007-38

Deeming complete and continuing the application of Punam Corporation for preliminary and final major site plan approval for construction of a retail building on Block 160.01, Lot 14, located in an HC Highway Commercial Zoning District.

Motion of O'Hara, seconded by DeAngelis to approve Resolution PB-2007-38.

Upon roll call the Board voted as follows:

YEAS:	DeAngelis, Fratinardo, Muchowski, O'Hara, Ryan, Hamilton-Wood
NOES:	None
ABSENT:	Smith, Morris

PB-2007-39

Deeming complete and continuing the application of the New Jersey State Fraternal Order of Police for preliminary and final major site plan approval for construction of an office facility on Block 159, Lot 8.02, located in an HC Highway Commercial Zoning District.

Motion of DeAngelis, seconded by O'Hara to approve Resolution PB-2007-39.

Upon roll call the Board voted as follows:

YEAS:	DeAngelis, Fratinardo, O'Hara, Ryan, Hamilton-Wood
NOES:	None
ABSENT:	Smith, Morris
INELIGIBLE:	Muchowski

PB-2007-40

Dismissing without prejudice the application for the Four B's for Minor Subdivision approval for Block 160.01, Lots 2.10 and 6.01, located in the HC Highway Commercial and AGR Agricultural Zoning Districts.

Motion of Ryan, seconded by DeAngelis to approve Resolution PB-2007-40.

Upon roll call the Board voted as follows:

YEAS:	DeAngelis, Fratinardo, Muchowski, O'Hara, Ryan, Hamilton-Wood
NOES:	None
ABSENT:	Smith, Morris

MINUTES

Motion of O'Hara, seconded by DeAngelis to approve the Minutes from the regular meeting of October 15, 2007 as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

- A. Freshwater Wetlands Application Checklist submitted by Burlington County Board of Chosen Freeholders for Block 172, Lots 2, 3.05, and 3.06.
- B. Compliance Review 2 from Planner Hintz dated October 25, 2007, regarding Joseph Gallina, Block 110, Lots 3.10 and 8.01.
- C. Review letter from Burlington County Planning Board regarding 280 Daniels Way, Block 158, Lot 3 (proposed Lots 3.10 and 3.02) dated November 1, 2007.
- D. Copy for paid invoice for concrete removal from 2037 Route 130 (Peregrine Partners).

Motion of Ryan, seconded by DeAngelis to receive and file Correspondence A through D. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood stated that the Board would be deviating from the agenda.

APPLICATIONS

Chairperson Hamilton-Wood called for application PB#2007-17 for Punam Corporation. Applicant is requesting Preliminary and Final Major Site Plan approval with bulk variances to permit construction of a 6,107 sq. ft. retail building at 2000 Route 130 North, Block 160.01, Lot 14.

Charles Petrone, attorney for the applicant, said that the revisions to the plans had not been completed yet and requested a continuance until the December meeting. The applicant agreed to waive the time limit for Board action.

Motion of O'Hara, seconded by Ryan to continue until December 17, 2007.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, Muchowski, O'Hara, Ryan, Hamilton-Wood
NOES: None
ABSENT: Smith, Morris

Chairperson Hamilton-Wood called for application PB#2007-21 for The Four B's. Applicant is requesting Minor Subdivision approval for property located at Route 130 North and Bustleton Road, Block 160.01, Lots 2.01 and 6.01.

Vice Chairman O'Hara stated that he had done work in the past for Vineland Construction and NFI, both which are affiliated with The Four B's. He recused himself and left the dais.

Attorney John Gillespie introduced Josiah Knapp, President and COO of NFI Real Estate and various real estate companies in the state of New Jersey including The Four B's and Joseph R. Tighe, Jr., licensed land surveyor with Taylor Wiseman Taylor. Both men were sworn in by Solicitor Abbott.

Attorney Gillespie stated that at this point the application is only for subdivision approval. The applicant will come back before the Board at a later time for site plan approval.

Chairperson Hamilton-Wood stated that subdivision approval was just to establish the lots. This application does not have anything to do with what construction will take place on the lots. Mayor Muchowski stated that there are members of the public that are interested in the project and asked the applicant to describe the proposed subdivision.

Solicitor Abbott stated that the Board must address the issue of completeness first.

Attorney Gillespie said that they had requested a waiver of the Environmental Impact Statement, wetlands delineation and items A through G of Engineer Guzzi's review letter. He stated that this is just a subdivision application and that it would be more appropriate to address these issues when they come back for site plan approval.

Engineer Guzzi stated that there is no development proposed at this time. This is strictly to move a lot line so when they come back for development it would be appropriate to consider these items.

Councilman Fratinardo asked that if there were a certain percentage of wetlands wouldn't that affect the lot itself, and whether or not it was buildable? Engineer Guzzi stated that the applicant is not creating a new lot so this wouldn't apply.

Chairperson Hamilton-Wood said that she was looking for a motion to deem this complete with waivers for Environmental Impact Statement, preliminary delineation of wetlands, preliminary delineation of Stream Encroachment, streets, easements, water courses, and right of ways, existing and proposed, utilities and drainage, existing and proposed, general indication of drainage flow, and a statement of proposed use.

Mayor Muchowski stated for the record that these waivers tonight are only for the purpose of moving the lot line, if items are deemed to be necessary the applicant would be required to provide them.

Motion of Muchowski, seconded by DeAngelis to grant the waivers and deem the application complete.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, Muchowski, Ryan, Hamilton-Wood
NOES: None
ABSENT: Smith, Morris

Attorney Gillespie said that even though they are not going into the substantive issues of site plan he would like Mr. Knapp to give an overview of the project.

Member Ryan asked the applicant to give an illustration of the reconfiguration of the lots before they move into the proposed future development.

Mr. Tighe stated that Lot 6.01 (Hemingway property), which fronts on Bustleton Road would decrease from 46.462 acres to 22.522 acres. Lot 2.01, which is owned, by the applicant and fronts on Route 130, will increase in area from 66.099 acres to 90.037 acres.

Mr. Knapp stated that they are proposing to build 3 warehouses (one 1,000,008 sq. ft., one 275,000 sq. ft. and one 343,000 sq. ft.) along Route 130. The entrance to the site would line up with John Galt Way in the Haines Center. They are planning to put sufficient buffering along the back and the sides to shield the adjoining homes from noise and sight.

Chairperson Hamilton-Wood stated that there would be a new application filed for the development of the site. The information being presented tonight is just for informational purposes.

Mr. Knapp agreed and said that the reason for the subdivision application was that they could not purchase any part of Mr. Hemingway's property while it is still attached to the rest of his property. They would like to subdivide the parcel and then purchase the land from Mr. Hemingway and then proceed with the site plan portion of the project.

Attorney Gillespie stated that it is important to remember that the application before the Board is a fully conforming subdivision application. When the applicant comes back for the project they have to submit detailed site plan drawings, well in advance of the public hearing, that will address all the issues including drainage, traffic, runoff, sound, buffering, etc. This hasn't been done tonight because this is the preliminary step that will allow all the land to be assembled so they can proceed to the next step.

Mayor Muchowski stated that the applicant and his staff fully understand the importance of open and honest dialogue with the township and with the residents of Tall Pines. He said that a lot of time was spent preliminarily making sure through sound studies and other means to balance the growth in the Route 130 corridor while protecting and preserving quality of life in the adjacent neighborhood. Mr. Knapp stated that the township has certainly looked out for the best interest of it's residents in making sure that the applicant will satisfy a lot of the issues that they think will arise. He stated that he is

prepared to sit down with the residents beforehand to discuss issues and then come before the Board when the residents would have an opportunity for public comment.

Mr. Knapp stated that he would like to bring this project to the Board within the year of 2008.

Chairperson Hamilton-Wood stated for the record that Attorney Gillespie had mentioned that this is an "as right" subdivision. This means that it conforms to the township ordinances no variance is being requested.

Mr. Tighe stated that they had put the bulk standards on the plan and you could see that the proposed lot meets all the criteria for a conforming lot.

Chairperson Hamilton-Wood stated that since no other Board Members had questions that it would be appropriate to open this to the public. Motion of Ryan, seconded by Fratinardo to open to public comment. Motion unanimously approved by all members present.

Paul Melnyk, 50 Tall Timber Lane was sworn in by Solicitor Abbott. Mr. Melnyk asked if this moving of the lot line changes the zoning from agricultural to commercial. Mayor Muchowski answered that it did not. Mr. Melnyk said that there is concern due to the retention basin for the school. This basin regularly overflows into the wetlands and not only fills the wetlands but floods into the woods as close as 75 to 100 yard towards their development. Mr. Melnyk said that since this basin was constructed many residents have water problems in their basements. He said that the concern is that there have been no environmental studies done to understand what developing this land would mean as far as water runoff and what impact it would have on their development. He said that he didn't understand how something could be done without the studies.

Chairperson Hamilton-Wood stated that at this point nothing has been done. The only thing that this application does is change the lot line. She said that when the applicant seeks development it is required that environmental studies are conducted, but pending an application before this Board regarding development there is no basis to ask for this type of study.

Attorney Gillespie said that in discussions the township has made the applicant very aware of the issue regarding drainage and the basin. One of the things that they are going to be working on is an effort to mitigate the issue.

Mr. Knapp stated that it is their plan to sit down with the residents well before they come before the Board, and discuss those issues. They will show that they are not adding to the problems and hopefully they can alleviate some of the problem. This will be discussed in an open forum with whoever wants to sit down for as long as necessary. This proposal doesn't change the zoning; it only changes the lot lines. Before anything happens on the site there will be a meeting with the residents.

Bart Shrader, 46 Tall Timber Lane was sworn in by Solicitor Abbott. Mr. Shrader asked if it was permitted to have a lot with more than one zone. Mayor Muchowski stated that it was permitted. Chairperson Hamilton-Wood pointed out that this Board does not have the jurisdiction to change zoning. Mr. Shrader asked if this hearing was for adjusting the lot line? Chairperson Hamilton-Wood stated that the hearing was for this Board to either approve or deny moving the lot line. Mr. Shrader asked if there was a survey of this. Chairperson Hamilton-Wood invited Mr. Shrader to examine the subdivision plan. Mr. Shrader asked if the survey should have more information on it regarding the adjacent property owners. Mr. Tighe pointed out where that information was located on the survey. Mr. Shrader stated that if the Board approved the subdivision then whatever the applicant proposes in the future would automatically be approved. He stated that the applicant showed a drawing of 3 buildings but did not show a retention basin. Chairperson Hamilton-Wood stated that this application has nothing to do with any buildings. Mr. Shrader said that he understood that, but he is afraid that once they go past Step A there is no going back. Mayor Muchowski stated that the parcel the applicant is looking to develop is zoned Highway Commercial.

Mr. Knapp stated that if the Board approves the subdivision allowing the applicant to purchase this parcel that does not necessarily guarantee that the applicant can move to the next step. They still have to prepare detailed plans, show where the basins are going to be located and how the drainage works. Taking this step now guarantees nothing other than this step.

Mr. Knapp said that if they were just going in with the land that they already own, they would still have to go before the Board showing what they want to do and that it works. They would have to show the landscaping, the drainage and the impact to the community among other things. Mr. Knapp stated that granting the subdivision would not catapult them to the next step.

Mr. Shrader said that in the meeting Minutes Mr. Knapp says that if the land is not changed to Highway Commercial it does not fit their needs. Mr. Knapp says that if they don't have the zone changed to Highway Commercial the only thing they could do was farm the land. Mayor Muchowski said that this is not an accurate statement the applicant could seek a variance to allow them to use the parcel. Mr. Shrader said that it said in the Minutes that if the land wasn't Highway Commercial Mr. Knapp said that he couldn't use it.

Chairperson Hamilton-Wood asked what Minutes Mr. Shrader was referring to? Mr. Shrader stated that they were Township Council Meeting Minutes from March 8, 2006. Chairperson Hamilton-Wood stated that the Board was not aware of the Council Meeting Minutes. Mr. Shrader said that he understands, but this is information that he is aware of. He said that his house and some of the other houses in the development have problems. The residents are very concerned about having another basin back there. They are afraid that once one step is done you can't turn back. Mr. Shrader asked who would go into a contract to buy a property without doing any site inspections?

Mr. Knapp stated that they are aware of the issues that have been raised regarding drainage. He stated that they would not come before the community or the Board when they are ready with the site plan without showing how they are going to deal with drainage. The residents will have the opportunity to speak with Mr. Knapp and his professional staff in a more relaxed setting and then can raise their issues before the Board at the public hearing of the site plan application.

Bob Thery, 56 Tall Timber Lane was sworn in by Solicitor Abbott. Mr. Thery said that the applicant keeps saying that the lot line moving doesn't guarantee anything, but that is the one thing that guarantees that this process is moving forward.

Mr. Knapp stated that this doesn't guarantee that they will get site plan approval to build anything on the land. He said that their goal is to build the warehouse development. He said that he won't go to the Planning Board without sitting down with the adjoining residents and letting them voice their concerns and working with them to address the concerns.

Councilman Fratinardo said that one of the things that people are concerned about is drainage in the area. When other projects were done in the area, they were told that there would be no negative impact. The applicant has to convince the residents that the drainage is going to work.

Mr. Knapp stated that he agreed, but he is not prepared to do that tonight. Those issues would be addressed at a later meeting with the residents.

Attorney Gillespie said that what Mr. Shrader basically asked was that by granting this approval aren't you boxing yourself in to granting the site plan approval? The answer is that site plan has an entirely different set of standards that have to be enforced. The applicant will attempt to resolve the drainage issue as it relates to their property. The applicant can't cure a problem on an adjoining property that they didn't create. The applicant will do whatever they need to do to satisfy the requirements. If they don't do that they won't be approved.

Chairperson Hamilton-Wood stated that the applicant could move forward with a different layout on the land that they already own without the subdivision being granted. Councilman Fratinardo stated that the residents would appreciate if the applicant could help alleviate some of the problems that were caused by somebody else. Mayor Muchowski said that the Township doesn't know that there are problems. There are residents that are alleging that there are problems, but the Township has no intimate knowledge that there were problems before or after the development of that property. There have been residents come forward and express their concerns. He said that the role of the Board is to make sure that this development meets the requirements and that the applicant can satisfy the requirements of site plan and prove that the development works.

Mr. Knapp said that NFI builds warehouses around the country and they look to be a good neighbor to every community that they enter. They are in this for the long term. They own and operate these buildings.

Wendy Thery, 56 Tall Timber Lane was sworn in by Solicitor Abbott. Mrs. Thery asked for the method of communication for the community meeting. Mr. Knapp stated that he would probably send a letter to each home to gather contact information so that they could set up a meeting. He said that they would try and arrange the meeting so that most people can come, but they can't guarantee that they can accommodate everyone's schedule. Mrs. Thery said that they would get a list of names together. Mr. Knapp said that it would be best if there were one resident designated as a point of contact.

Mrs. Thery asked how the public had access to the application. Chairperson Hamilton-Wood stated that the plans were available at the clerk's office during normal business hours. Mrs. Thery stated that she worked full time and asked if the plans were available on line. Chairperson Hamilton-Wood stated that they were not available on line. Mr. Knapp said that when they have the layout set he could provide the residents with copies of the plans so that they can be prepared for the community meeting.

Mrs. Thery said that a few years ago when the school was built, it caused flooding in her area. She stated that she had photographs to submit. Solicitor Abbott said that it would be appropriate to submit the photos at the time of the site plan hearing.

Mr. Shrader said that they are concerned because they were assured that the basin for the new high school would be effective and they are afraid that once the lot line is moved and the site plan approved there will be more negative impact on the drainage.

Mr. Knapp said that they are aware of the issue. They will sit down with the residents to address the concerns. Mr. Shrader asked if they would give the land back to Mr. Hemingway if the site plan were denied? Mr. Knapp stated that this is a risk that he has to take as someone who wants to develop the property. Mr. Shrader said that a dollar easement for water and sewer guarantees that.

Mayor Muchowski said that he had spent the better part of 2 years in conversations with this applicant explaining the sensitivities of this area. He stated that he had been labeled as stonewalling development, slowing the process, and not proactive in bringing development to the Route 130 corridor. He said that he understands and appreciates what Mr. Shrader is trying to say, but this Board and this Township has never guaranteed someone development opportunity. Yes, the applicant worked with the Township when they gave an easement for water and sewer out to Route 130 so that the residents of Tall Pines could enjoy water and sewer.

Mayor Muchowski said that he had spent a great amount of time reviewing, challenging, modifying and making sure that the quality of life in the area will not be negatively impacted. The applicant has offered to meet with the Tall Timber community and all

residents of the township regarding the plans for the land. The applicant has diligently answered and researched and looked at every alternative that they could.

Mayor Muchowski said that the applicant is just beginning this process and he thinks that they should be given some opportunity to express what the development plans are and how they are going to deal with the issues on their specific parcel. Mayor Muchowski said that the Board members are volunteers that have put in many hours to try to improve Florence Township. It is not fair to imply that because the applicant has given a sewer easement the approval is a done deal.

Mr. Shrader stated he that trusted someone before and because of that he has not been able to live in his house for 2 years. He said that he has every right to stand here and question this. He said that he wouldn't even say anything if the applicant had presented what he wanted to do before any approval was given of any sort.

Mayor Muchowski said that the Board did not give any approval to the school. Mr. Shrader stated that a member did give approval to the school. He said that he would not be specific but that it was a person in the courtroom who has every power and authority. Mr. Shrader said that he could show a few things that would make you doubt the trustworthiness of people. He stated that he had every right to stand here and say that.

Mayor Muchowski stated that Mr. Shrader had every right to question anything that he wants, but he doesn't have the right to imply that this application is a done deal. Mr. Shrader said that the Board is approving something before they even know. He said that it is idiotic for someone to move the lot line without knowing if the site plan would be approved. Mr. Shrader said that Mr. Knapp would not be throwing the money away to move the lot line without some kind of assurance that the site plan would be approved.

Mr. Shrader said that he was not implying the Mr. Knapp was dishonest. He said that Mr. Knapp was very polite. Mr. Shrader said that in his opinion Mr. Knapp, being a businessman would not be making those moves without some certainty.

Mr. Shrader said that he believed one time that the person who said they would help to stop the problems would help, but it turned out that everyone said they didn't have control. Mr. Shrader said that no one would accept responsibility and now his house is caved in and he won't stand by and watch the same thing happen again.

Jennifer Shrader was sworn in by Solicitor Abbott. Mrs. Shrader stated that 2 ½ years of her family's life has been lost due to dishonest people. She said that they have lost their family, they lost their home, and she lost her job because of dishonest people, people who pretend that they are innocent. She said she would keep on fighting as long as it takes to make sure that the other families in the development do not have to go through the same thing.

Frank Gigliotti, 4 Evergreen Lane, was sworn in by Solicitor Abbott. Mr. Gigliotti said that the problem is that they have been misled before and things have happened. They

are still living with the wreckage of what happened before and they are deathly afraid that this will happen again. He stated that they couldn't even sell their houses to get out of there. What will Mr. Shrader do with his house? Wait until it collapses and leaves a big hole? Mr. Gigliotti said that if he tries to sell his house, and they see Shrader's house next door they are going to want to know what happened to it. Mr. Gigliotti stated that he has water in his basement and has to run a sump pump. The residents have been misled and they want to know if it will happen again.

Chairperson Hamilton-Wood stated that the Board has an obligation to hear the testimony of the professionals, listen to the communities concerns and make the best decision based on the information that is presented. She stated that she understands his concern and she understands that this Board was not a part of that prior decision that the residents are concerned about. She stated that she apologized for that, but these are the facts.

Mr. Gigliotti said that they have to make the Board remember about what happened before so that it doesn't happen before. If the applicant comes in and builds a big warehouse and fixes the basin so that nothing happens anymore that is great. How will this impact the damage that they have already gone through and their property values? Will this development help the residents of Tall Pines?

Wayne Kurlander, 38 Tall Timber Lane, was sworn in by Solicitor Abbott. Mr. Kurlander said that he had lived on Tall Timber Lane for 22 years. He said that he has a sump pump in the basement and there hasn't been a drop of water in it until this year. Mr. Kurlander said that he brought this up to illustrate that something has changed out there. This is the concern. He said that it would be great if it could be made better, because the situation has gotten worse. Mr. Kurlander said that he understands that studies will be done and there will possibly be another basin, but studies for the existing basin didn't produce the expected results. He stated that they have seen change and asked that their concern be understood.

Mr. Shrader said that he is not within 200' of the site and he asked if he could be included in the notice so that he doesn't have to keep calling the Board Clerk for the dates. Mr. Knapp suggested that the group delegate a contact person that could keep everyone advised of meetings.

Seeing no one else wishing to offer comment, motion was made by Ryan, seconded by DeAngelis to close the public portion of the hearing. Motion unanimously approved by all members present.

Solicitor Abbott stated that this application was for a minor subdivision to relocate lot lines. There are no variances required. She stated that from what was presented it appears that the application does meet all the requirements of the ordinance subdivision section. The two new lots will be conforming lots.

Mayor Muchowski said that there had been a question as to the accuracy of the survey. How is it determined that what was provided as a survey is accurate? Engineer Guzzi

said that the survey was prepared by a licensed professional land surveyor. This survey is relied on for the engineering review. The review is for the subdivision, variances requirements, and ordinance requirements. Engineer Guzzi stated that in his report he had a few comments that needed to be added to the plan so that it conformed to the ordinance. Mayor Muchowski said that if a neighboring homeowner had a question about the survey they could review the survey and the plan.

Motion of DeAngelis, seconded by Muchowski to approve Application PB#2007-21.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, Muchowski, Ryan, Hamilton-Wood
 NOES: None
 ABSENT: Morris

Chairperson Hamilton-Wood called a brief recess. The Board returned to the regular order of business. Vice Chairman O'Hara returned to the dais.

Chairperson Hamilton-Wood called for application PB#2007-14 for the New Jersey State Fraternal Order of Police. Applicant is requesting Preliminary and Final Major Site Plan approval with bulk variances for construction of a police/lodge building on property located on Route 130 South. Block 159, Lot 8.01.

Mayor Muchowski stated that he had a conflict with this application, recused himself and left the dais.

Chairperson Hamilton-Wood greeted Charles Petrone, attorney for the applicant, and said that at the previous meeting the Board was very clear on the time requirements for submitting plan revisions and those time requirements had not been met. She stated that Engineer Guzzi was able to do a review, but Planner Hintz did not receive the revisions until earlier today and was unable to prepare a report. Attorney Petrone said that Planner Hintz had prepared a report for the originally submitted plan. He said that the revisions to the plan mostly address the stormwater issues that had been raised in Engineer Guzzi's original letter. He stated that they had addressed all the stormwater issues that had been identified by Engineer Guzzi.

Chairperson Hamilton-Wood stated that the Board had not yet had the opportunity to review Engineer Guzzi's report because they just received it at the start of the meeting. Attorney Petrone said that he understood this.

Attorney Petrone stated that one of the issues that the applicant had asked the Board's indulgence was with respect to identifying those trees that are on the property and are 6" or larger. They originally requested Preliminary and Final approval and there were some issues with other items such as soil erosion. They can't get Final approval without soil erosion plans, which they didn't want to do until they had the Preliminary approval just to make sure that those plans don't change because they have to submit those plans to the

Burlington County Soil Conservation Office. He said that they would be back for Final approval. They don't want to minimize the importance of identifying the tree species, but they don't think that they will have any problem identifying the trees as well as resolving any outstanding landscaping issue that may have developed on the Planner's review of the Final plans.

Chairperson Hamilton-Wood said that the letter from Mr. Nicholson stated that they would be addressing the tree survey issue through testimony. She asked if this was their intention. She asked if the applicant was going to provide the tree survey (that the Board had requested be provided for this meeting) at the time of Final? Attorney Petrone said that the trees would be identified by species before Final. He said that there had been testimony at the last meeting with respect to not identifying specifically the type of trees on the site. Mr. Nicholson had testified that he had looked at the trees and based on the situation that was out there (poison ivy wrapped around a lot of the trees) said that he did not anticipate there would be any problem identifying the specific species of tree.

Planner Hintz said that the reason for identifying trees over 6" in caliper by species and size when the Preliminary Site Plan is submitted is to determine if there are any reasons to modify the site plan (parking or building location) to save worthwhile trees.

Chairperson Hamilton-Wood said that they would go through Engineer Guzzi's letters and the trees remain an issue.

Engineer Guzzi said that the tree survey was the main issue with respect to completeness. Chairperson Hamilton-Wood stated that the application was deemed complete and the tree survey was a condition of completeness. If the required survey was not submitted can the Board move forward with the application? Is the application then no longer complete?

Solicitor Abbott said that the waivers were granted with the exception of these two waivers. These had to be supplied. The Board has to grant these two waivers in order for the application to be unconditionally complete. Vice Chairman O'Hara asked that if the Board grants the waivers then do they lose the right to require the tree survey. Solicitor Abbott stated that these would be submission waivers; the information could still be required. Chairperson Hamilton-Wood said that then they would not have it before Preliminary and Planner Hintz had indicated that in order to determine the proper building placement and parking this would be required.

Solicitor Abbott said that it comes down to the question of whether this is information that is required to get the professional advice from Planner Hintz that is needed in order to grant Preliminary approval. Chairperson Hamilton-Wood said that this was the decision that the Board had made last month by deeming the application complete with these 2 conditions. She said that the information was not supplied and the Board had indicated that they needed this. Procedurally what is the next step? Solicitor Abbott said that procedurally the Board either agrees to basically modify those conditions or you say

to the applicant that you did not supply the required information so we will not continue until it is supplied.

Chairperson Hamilton-Wood asked about the time limit for Board action. Solicitor Abbott stated that variances are requested so the Board has 120 days to act.

Member Ryan asked if without having this information before they move forward would this greatly alter the plans? Planner Hintz said that there could be impact. Engineer Guzzi said that if Preliminary is granted and there turns out to be group of trees which are identified as being worthy of being saved then the applicant would have to come back and amend the Preliminary approval to work around these trees.

Solicitor Abbott reminded William Nicholson (applicant's engineer) that he was still sworn from the previous meeting. Mr. Nicholson stated that in the inspection of those trees a lot were damaged and a lot had vines growing up into the canopy. He said that he does not believe that they are worthy of preservation. He said that if you look at the plan there is not a lot of latitude to move things. In the area that they are building they will be grading and putting in the parking lot and building so that if they identify a wonderful tree they may not be able to do anything about it. There is a combined space to develop on the site.

Chairperson Hamilton-Wood asked if the Board was permitted to require that a good tree be saved regardless of the site plan? Attorney Petrone said that if there was a tree of substantial value that they had to remove to do the plan they could work to replace it through the landscaping plan. Planner Hintz said that the ordinance requires that replacement trees be of the same caliper. You may have to have four 3" caliper trees to replace one 12" caliper tree. The success rate of transplanting larger trees is not very good.

Planner Hintz said a good example of the importance of the tree survey is the Albax application. When Albax did their tree survey a large Willow Oak was identified and the applicant revised their plan to preserve that tree.

Attorney Petrone stated that he had been involved in an application where the Board had required transplanting of a large tree with the understanding that if it did not survive it would be replaced. Councilman Fratinardo pointed out that that was with the knowledge of a tree survey and we don't have a tree survey.

Solicitor Abbott read from the ordinance regarding the replacement of trees. Planner Hintz said that the problem with granting Preliminary is that Preliminary approval allows grading and site disturbance.

Chairperson Hamilton-Wood stated that she is inclined to require the tree survey, but the Board would have to vote on this. Solicitor Abbott said that the motion would be to continue the application pending submission of the information required at the October meeting.

Attorney Petrone stated that the applicant does not yet own the property and there is no settlement date scheduled yet. If Preliminary approval were granted tonight that resolution would not be memorialized until the December meeting. The applicant had hoped that if they received Preliminary tonight then they would be coming back for Final in December. There are time constraints for the contract and with the NJFOP's construction plans. They want to complete construction in time to allow them to celebrate their 60th anniversary at the site in November 2008.

Chairperson Hamilton-Wood stated that on occasion the Board would hear both Preliminary and Final at the same meeting.

Chairperson Hamilton-Wood opened the hearing to public comment.

John Hiros, 52 Folwell Station, Jobstown, NJ was sworn in by Solicitor Abbott. Mr. Hiros said that he was the current owner of the property. He stated that there are many trees on the site of minimal value. He said that the proposed development would leave a minimal amount of trees on the site. Mr. Hiros said that his property has a lot of trees and he would donate trees to be transplanted if necessary.

Mr. Hiros said that he would like to move this application along. It has taken six months to get to this point. They had to go to several Zoning Board meetings before the Subdivision application was heard and this is the second month before the Planning Board. He stated that all these professional people have had to come out to 5 meetings and this process has become burdensome for the NJFOP to build a small office building on Route 130.

Kevin Mullen, Florence Township Fire Marshall, said that he had sent a review letter from the Fire Department on August 16, 2007. There were 3 items that needed to be addressed. He said that he had spoken to the architect or the engineer regarding these items, but has not yet had a response. Attorney Petrone said that they would meet with the Fire District.

Motion of DeAngelis, seconded by Fratinardo to close the public comment portion of the hearing. Motion unanimously approved by all members present.

Vice Chairman O'Hara asked if Engineer Guzzi was aware of the review letter from the Fire District. Engineer Guzzi said that he referenced the Fire District's approval in his report. Vice Chairman O'Hara asked the applicant why they had not responded to the Fire Marshall. Attorney Petrone stated that they were trying to deal with the other site plan issues first.

Vice Chairman O'Hara said that he had been a member of this Board for 16 out of the last 20 years and he has a problem when an applicant can't get his professionals to do what was requested of them. He said that he takes offense to this Board being painted as dragging their feet and not hearing anything. He stated that they worked diligently last

month to get the NJFOP heard for completeness. The Board raised their concerns and the applicant failed to live up to what they promised to do. Vice Chairman O'Hara stated that he thought that all the Board Members would like to see this application move forward. It would be a nice addition to the Route 130 corridor, but he said that he personally feels that it is a slap in the face when the applicant agrees to do something and fails to do it and then expects this Board to move forward with the understanding that things will be provided at a future date.

Vice Chairman O'Hara said that he agrees with the Chairperson that if next month all the issues are resolved the Board could hear Preliminary and Final. The time frame wouldn't be changing – the applicant was asking for Preliminary tonight and Final in December. As long as all the conditions are met the Board could vote on Preliminary and Final in December. The Board would like to move things along, but they must be done in a professional way and meet all the laws and ordinances that we are governed by.

Chairperson Hamilton-Wood stated that the time frames for submitting plans in advance of meetings are very specific. This requirement is there so that the Professionals and the Board Members have time to review the information and make educated decisions. She stated that she would hope that the time frames are adhered to in the future. The Board tries to move things along, but they are hindered when the plans are received late. She stated again that Planner Hintz received the plans today. He had no time to review the plans, nor has he had any chance to advise the Board. The trees are certainly the biggest issue, but the bottom line is that all might have been worked out if the plans had been received early enough.

Chairperson Hamilton-Wood stated that she and Vice Chairman O'Hara do not speak for the entire Board and asked for a motion that says that they will require the submission before moving forward.

Attorney Petrone agreed to waive the time requirement for Board action.

Motion of Fratinardo, seconded by O'Hara to continue the application to December 17, 2007, pending submission of the information required Resolution 2007-39 – identification of individual trees of 6" or larger and plans to be signed by a certified landscaped architect.

Upon roll call the Board voted as follows:

YEAS:	DeAngelis, Fratinardo, O'Hara, Ryan, Hamilton-Wood
NOES:	None
ABSENT:	Smith, Morris

Mayor Muchowski returned to the dais.

Chairperson Hamilton-Wood called for application PB#2007-22 for ALBAX, Inc. Applicant is requesting Final Major Subdivision and Final Major Site Plan approval for property located at Hamilton Avenue and Tilton Lane, Block 100, Lot 8.03.

Clifford Halper, attorney for the applicant, stated that applicant's engineer Robert Seeberger would be testifying. Mr. Seeberger was sworn in by Solicitor Abbott.

Mr. Seeberger stated that he was a licensed professional engineer in the state of New Jersey. Mr. Seeberger is with the firm of Boston and Seeberger.

Mr. Seeberger said that the Final Site Plan before the Board is for an 8 lot subdivision – 7 units and 1 basin lot. The proposed subdivision is at the intersection of Hamilton Avenue and Tilton Lane. The plan has been revised based on the conditions of the Preliminary resolution and the comments of the Board's professionals. The plans were resubmitted. Mr. Seeberger said that he had reviewed the comments for Engineer Guzzi and Planner Hintz and in his opinion these are minor technical comments that can be incorporated before the Final plans are signed. The only outstanding question was the type of fence to surround the detention basin. The plan presently shows a 6' chain link fence.

Planner Hintz recommended a vinyl clad chain link fence either black or dark green. Attorney Halper stated that ALBAX would agree to the fence requirement. Mr. Seeberger said that they would add a detail to the plan.

Chairperson Hamilton-Wood asked Engineer Guzzi to run through his review letter. Engineer Guzzi referred to his report dated November 12, 2007. He stated that comments 1 through 4 were corrections to be added to the plans. Comment 5 was the fence that was just discussed. The applicant has agreed to a vinyl-coated fence. Items 6, 7, 8, & 9 were general engineering comments that the applicant had agreed to provide.

Item 10 requires that the extent of restoration on Hamilton Avenue be added to the plan. Engineer Guzzi stated that storm sewer would be installed along the curb line on Hamilton Avenue heading away from Delaware Avenue. There will be some restoration work required and curbing replacement. Mayor Muchowski said that the Township was not looking for a trench repair. If it is going to 1 foot out from the curb it should go from the curb line out as opposed to creating a trench line. He doesn't want to create a patchwork for the benefit of the new community at the expense of the existing system.

Engineer Guzzi continued with item 11 regarding some remaining stormwater comments and the applicant has agreed to address this. Item 12 were 5 items that need to be corrected on the subdivision plat so that it can be filed per the map filing law. Item 13 was for other approvals if required.

Engineer Guzzi stated that the applicant had agreed to provide all the requested information.

Mayor Muchowski asked if there was sidewalk proposed. Engineer Guzzi stated that sidewalk is proposed along the frontage on Hamilton Avenue.

Planner Hintz referred to his report dated November 8, 2007. He said Item 4.2 the snow storage easement needs to be amended slightly. Item 7.2 Planner Hintz has recommended a few more plantings to be added to the basin area. Item 7.5 the basin has been reconfigured to protect the Willow Oak and grading and tree protection should be added to all plans including the landscaping plan. Item 7.6 all of the trees to remain should be protected with tree protection fencing. No fencing has been indicated for the Willow Oak. The drip line of the tree should be mapped on the plans. Item 7.7 tree protection fencing for the Willow Oak should be shown on the plan. Item 7.8 addresses the type of fencing for the basin. The applicant has agreed to vinyl clad chain link.

Planner Hintz said the Item 7.11 the open space contribution agreement should be submitted to Solicitor Abbott. And finally Item 8 shows that the applicant has satisfied their affordable housing obligation on site.

Mr. Seeberger stated that they do show tree protection fencing on the landscaping plan, but they will add it to every plan because sometimes the landscaping plan doesn't get into the hands of the developer until it is too late. Mr. Seeberger stated that they will agree to all the comments on the Board's professional's reports.

Mayor Muchowski said that under COAH the applicant is responsible for the entire administrative fee and everything associated with it. Planner Hintz said that they were and he had indicated this in his review letter. Engineer Guzzi stated that the COAH unit is next to the basin lot on the cul-de-sac not on Hamilton Avenue.

Vice Chairman O'Hara asked about tree removal. Engineer Guzzi indicated that the trees to be saved have been identified.

Chairperson Hamilton-Wood opened the hearing for public comment. Seeing no one wishing to speak motion was made by Fratinardo and seconded by Ryan to close the public portion. Motion unanimously approved by all members present.

Motion to grant final major subdivision and final major site plan approval subject to compliance with all the conditions of preliminary approval and all the items set forth in the November 12, 2007 report of the Board Engineer and the November 8, 2007 report of the Board Planner. The modification of one of the condition relates to the fence. The fence surrounding the basin would be black vinyl coated chain link by DeAngelis, seconded by Ryan.

Upon roll call the Board voted as follows:

YEAS:	DeAngelis, Fratinardo, Muchowski, O'Hara, Ryan, Hamilton-Wood
NOES:	None
ABSENT:	Smith. Morris

There is no other business to be discussed. Chairperson Hamilton-Wood called for a motion to open for public comments.

Motion of Ryan, seconded by Fratinardo to open for public comments. Motion unanimously approved by all members present. Seeing no one wishing to comment motion was made by Fratinardo, seconded by Ryan. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood stated that the Master Plan review would be held until the December meeting.

Motion of DeAngelis, seconded by Fratinardo to adjourn at 9:37 p.m. Motion unanimously approved by all members present.

John T. Smith, Secretary

JTS/ne